

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Michelle "Doe"

(b) County of Residence of First Listed Plaintiff Philadelphia

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Justin F. Robinette, Esquire

325 Chestnut Street, Suite 800,

Philadelphia, PA 19106, Tel: (610) 212-6649

DEFENDANTS

Parx Casino; Greenwood Gaming and Entertainment, Inc.; and Greenwood Table Games Services, Inc.

County of Residence of First Listed Defendant Bucks

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

Andrew J. Kramer, Esquire/Kane, Pugh, Knoell, Troy & Kramer LLP

510 Swede Street

Norristown, PA 19401

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input checked="" type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000(e), et seq.

Brief description of cause:

Employment discrimination

VII. REQUESTED IN COMPLAINT:
☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

150,000.00

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

12/07/2018

FOR OFFICE USE ONLY

SIGNATURE OF ATTORNEY OF RECORD

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

DESIGNATION FORM

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: Redacted (Philadelphia, PA)

Address of Defendant: 2999 Street Road, Bensalem, PA 19020

Place of Accident, Incident or Transaction: 2999 Street Road, Bensalem, PA 19020

RELATED CASE, IF ANY:

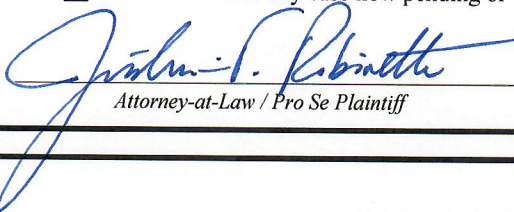
Case Number: _____ Judge: _____ Date Terminated: _____

Civil cases are deemed related when **Yes** is answered to any of the following questions:

- | | | |
|--|------------------------------|--|
| 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

I certify that, to my knowledge, the within case ☐ is / ☒ is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 12/07/2018


Attorney-at-Law / Pro Se Plaintiff

319829

Attorney I.D. # (if applicable)

CIVIL: (Place a √ in one category only)

A. Federal Question Cases:

- ☐ 1. Indemnity Contract, Marine Contract, and All Other Contracts
- ☐ 2. FELA
- ☐ 3. Jones Act-Personal Injury
- ☐ 4. Antitrust
- ☐ 5. Patent
- ☐ 6. Labor-Management Relations
- ☒ 7. Civil Rights
- ☐ 8. Habeas Corpus
- ☐ 9. Securities Act(s) Cases
- ☐ 10. Social Security Review Cases
- ☐ 11. All other Federal Question Cases
(Please specify): _____

B. Diversity Jurisdiction Cases:

- ☐ 1. Insurance Contract and Other Contracts
- ☐ 2. Airplane Personal Injury
- ☐ 3. Assault, Defamation
- ☐ 4. Marine Personal Injury
- ☐ 5. Motor Vehicle Personal Injury
- ☐ 6. Other Personal Injury (Please specify): _____
- ☐ 7. Products Liability
- ☐ 8. Products Liability – Asbestos
- ☐ 9. All other Diversity Cases
(Please specify): _____

ARBITRATION CERTIFICATION

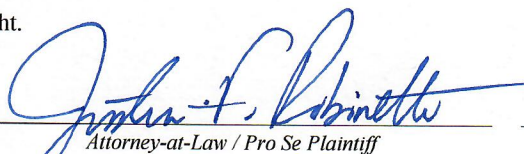
(The effect of this certification is to remove the case from eligibility for arbitration.)

I, Justin F. Robinette, Esquire, counsel of record or pro se plaintiff, do hereby certify:

☒ Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs:

☐ Relief other than monetary damages is sought.

DATE: 12/07/2018


Attorney-at-Law / Pro Se Plaintiff

319829

Attorney I.D. # (if applicable)

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CASE MANAGEMENT TRACK DESIGNATION FORM

Michelle "Doe"

CIVIL ACTION

v.

Parx Casino; Greenwood Gaming and
Entertainment, Inc.; and Greenwood
Table Games Services, Inc.

NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

12/07/2018

Justin F. Robinette, Esq.

Plaintiff, Michelle "Doe"

Date**Attorney-at-law****Attorney for**

(610) 212-6649

(610) 646-0533

jrobinette@discrimlawyer.com

Telephone**FAX Number****E-Mail Address**

(Civ. 660) 10/02

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MICHELLE "DOE",

Plaintiff,

v.

PARX CASINO; GREENWOOD GAMING
AND ENTERTAINMENT, INC.; and
GREENWOOD TABLE GAMES
SERVICES, INC.,

Defendants.

Case No. _____

COMPLAINT

PARTIES

1. Plaintiff, Michelle "Doe", is an adult individual who resides at

_____.

2. Defendant, Parx Casino, was, at all times relevant hereto, Plaintiff's employer, with a principal place of business at 2999 Street Road, Bensalem, PA 19020. Plaintiff was employed, at all times relevant hereto, at Parx Casino, 2999 Street Road, Bensalem, PA 19020.

3. Defendant, Greenwood Gaming and Entertainment, Inc., is a corporation organized and existing under the laws of the Commonwealth of Pennsylvania with a principal place of business at 3001 Street Road, Bensalem, PA 19020. Defendant, Greenwood Gaming and Entertainment, Inc., was, at all times relevant hereto, Plaintiff's employer.

4. Defendant, Greenwood Table Games Services, Inc., is a corporation organized and existing under the laws of the Commonwealth of Pennsylvania with a principal place of business at 3001 Street Road, Bensalem, PA 19020. Defendant, Greenwood Table Games Services, Inc., was, at all times relevant hereto, Plaintiff's employer.

JURISDICTION AND VENUE

5. This Court has subject-matter jurisdiction over Plaintiff's claims pursuant to 28 U.S.C. § 1331 because the claims present a federal question.

6. Pursuant to 28 U.S.C. § 1367, this Court has supplemental jurisdiction over Plaintiff's state-law claims, as those claims arise out of the same set of operative facts as the federal claims.

7. This Court has jurisdiction over Defendants because Defendants' contacts with this state and judicial district are sufficient for the exercise of jurisdiction over Defendants to comply with traditional notions of fair play and substantial justice, satisfying the standard set forth by the United States Supreme Court in International Shoe Co. v. State of Washington, 326 U.S. 310 (1945), and its progeny.

8. Venue is proper pursuant to Section 2000e-5(f)(3) of Title VII of the Civil Rights Act of 1964 because the unlawful employment practices alleged to have been committed occurred in this judicial district, and the employment records relevant to such practices are maintained and administered in this district.

9. Venue is also proper pursuant to the general venue statute, 28 U.S.C. §§ 1391(b)(1)-(b)(2), because Defendants reside in and/or conduct business in this judicial district, and because a substantial part of the acts and/or omissions giving rise to the claims set forth herein occurred in this judicial district.

10. At all times relevant hereto, Defendants each employed fifteen (15) or more persons for each working day in each of twenty (20) or more calendar weeks in the current or preceding calendar year.

11. Plaintiff has exhausted all administrative remedies. Two (2) Notices of Right-to-Sue from the Equal Employment Opportunity Commission (“EEOC”) are attached hereto collectively as Exhibit “A.”

**COUNT I:
HOSTILE WORK ENVIRONMENT/HARASSMENT
BASED ON SEXUAL ORIENTATION (LESBIAN)
IN VIOLATION OF TITLE VII OF THE CIVIL RIGHTS ACT OF 1964, 42 U.S.C. §
2000e, et seq.
(Plaintiff, Michelle “Doe” v. Defendants, Parx Casino; Greenwood Gaming and
Entertainment, Inc.; and Greenwood Table Games Services, Inc.)**

12. All of the foregoing paragraphs are hereby incorporated as if the same were more fully set forth herein at length.

13. Plaintiff was hired by Defendants in or around December 2017 as a Table Games Dealer at Parx Casino located at 2999 Street Road, Bensalem, PA 19020.

14. Plaintiff is an African-American female who identifies as a lesbian and has a masculine gender expression.

15. Plaintiff was subjected to a hostile environment/harassment because she is a lesbian. Sexual orientation discrimination is a subset of sex discrimination. All anti-gay or lesbian bias is inherently a form of sex bias.

16. The harassment consisted of the following:

- a. Plaintiff recalls that frequently during lunch and on breaks, throughout Plaintiff’s employment, Plaintiff would sit at a table isolated as nobody would join Plaintiff’s table, or Plaintiff would sit isolated on the benches in the middle of the room while Plaintiff’s co-employees would sit around Plaintiff or at the end. Plaintiff’s co-employees would not interact or

associate with Plaintiff and acted as if they did not wish to be associated with Plaintiff.

- b. Plaintiff also recalls that frequently on outside breaks Plaintiff's co-employees would not interact or associate with Plaintiff and acted as if they did not wish to be associated with Plaintiff.
- c. Plaintiff recalls, several times in or around January/February 2018, Greg Houston, a male co-employee, would look in the opposite direction of Plaintiff when on the casino floor, would not associate with Plaintiff, and acted as if he did not wish to be associated with Plaintiff.
- d. In or around December 2017, shortly after Plaintiff started, Defendants' security guard, whose name Plaintiff does not know, misgendered Plaintiff with "sir" ("Thanks, sir").
- e. Plaintiff recalls that Lydia Last Name Unknown ("LNU"), a Table Games Dealer and co-employee, said, "She's gay," speculating about another female co-employee (not Plaintiff), to another co-employee, Christine LNU, in or around early 2018.
- f. In or around early 2018, and continuing through sometime in March 2018, Tyron LNU, Table Games Dealer, would repeatedly pick on Plaintiff, for example, by being aggressive, refusing to move out of the way for Plaintiff, and, in or around March 2018, Tyron jumped in Plaintiff's face aggressively.
- g. In or around March 2018, a female co-employee said to Plaintiff, "Ooh, baby."

- h. In or around Plaintiff recalls March 2018, Plaintiff recalls discussing with either Becky LNU and Susan Eckert, in Human Resources, that Plaintiff believed she was being harassed by certain of Plaintiff's co-employees. Plaintiff also spoke to Steve Smith, Smith Manager.
- i. In or around Easter, in April 2018, Gerald LNU, a Cook in the Employee Dining Room, said, "Yes sir, I mean ma'am", or words to that effect, to Plaintiff, in a derogatory manner. Plaintiff believes it was intentional because Gerald knew the Plaintiff. Plaintiff ate lunch in the dining room and interacted with Gerald before this incident.
- j. In or around May 2018, a male co-employee said, "Hey, sunshine," to Plaintiff.
- k. In or around May 2018, during a pre-shift meeting, Plaintiff stood up, Plaintiff introduced herself as Michelle, and Plaintiff said, "You can call me Shell." Plaintiff used "Shell" on Plaintiff's nametag and with customers. Plaintiff said that she may have had run-ins with some employees, and if anybody had any questions they should feel free speak to Plaintiff, or words to that effect. Julia Hall, the Pit Boss, said Plaintiff was not allowed to interrupt and to sit down. However, Plaintiff recalls a male employee was allowed to say what he wanted to say during a pre-shift a few months later. When presented with an opportunity to have shown a commitment to non-discrimination, to have allowed Plaintiff to address her co-employees together in a safe space in the way Plaintiff felt comfortable, and to potentially resolve the issues of anti-gay or lesbian

harassment by her co-employees, instead, Ms. Hall shut Plaintiff down, and the hostile environment continued.

- l. In or around late June 2018, Lydia LNU, Table Games Dealer, said something to Plaintiff and Plaintiff ignored it. Lydia then said, “What, is this bitch deaf?” Lydia said to Plaintiff, “You’re not a man,” said that Plaintiff was “dirty,” and said that Plaintiff had a “bald head,” or words to that effect. Lydia said this in front of another female co-employee, Jade LNU.
- m. On or about August 11, 2018, a third party who is male came into Parx and threatened or intimidated the Plaintiff by getting in Plaintiff’s face and making a fist. Plaintiff raised her concern with the pit boss.
- n. On or about August 12, 2018, Steve Smith, suspended Plaintiff’s employment, and stated Plaintiff was under investigative suspension.
- o. Plaintiff was notified of Plaintiff’s termination by Defendants on or about August 13, 2018.

17. Plaintiff was subjectively offended, and any reasonable person would be objectively offended, by the harassment.

18. The harassment was severe or pervasive enough to alter the conditions of Plaintiff’s work environment, and make it more difficult to do the job.

19. Defendants failed to provide prompt and appropriate action to prevent, correct, and remedy the hostile environment.

20. Defendants do not have a policy of non-discrimination/anti-harassment which is fully LGBT-inclusive as the Defendants’ “Equal Employment Protection” / “Equal Employment

Opportunity” policy in the employee handbook at pages 11-13, and online at [www.parxcasino.com/diversity] (Last Accessed December 7, 2018), does not specifically extend to “gender identity” or “gender expression.”

WHEREFORE, Plaintiff, Michelle “Doe”, demands judgment in her favor and against Defendants in an amount in excess of \$150,000.00, and which will fully and fairly compensate Plaintiff for any and all back and front pay, overtime, benefits, bonuses, and commissions; compensatory damages for pain and suffering, mental anguish, anxiety, depression, humiliation, embarrassment, and emotional distress; punitive damages; pre- and post-judgment interest, reasonable attorneys’ fees, costs of suit; equitable/injunctive relief requiring that Defendants adopt, post, and disseminate a policy of non-discrimination and anti-harassment that is fully LGBT-inclusive by extending to gender identity and gender expression; requiring training in non-discrimination and anti-harassment; and requiring Defendants to post notice of the verdict in this matter.

COUNT II:
WRONGFUL DISCHARGE/TERMINATION
BASED ON SEXUAL ORIENTATION (LESBIAN)
IN VIOLATION OF TITLE VII OF THE CIVIL RIGHTS ACT OF 1964, 42 U.S.C. §
2000e, et seq.
(Plaintiff, Michelle “Doe” v. Defendants, Parx Casino; Greenwood Gaming and
Entertainment, Inc.; and Greenwood Table Games Services, Inc.)

21. All of the foregoing paragraphs are hereby incorporated as if the same were more fully set forth herein at length.

22. Plaintiff was objectively qualified for the position Plaintiff held with Defendants as Table Games Dealer because Plaintiff went to Dealer Training Academy at Bucks County Community College, went to Casino Dealer School to learn Baccarat, and has worked previously as a dealer.

23. Plaintiff is an African-American female who identifies as a lesbian and has a masculine gender expression.

24. Plaintiff was terminated from employment by Defendants because Plaintiff is openly lesbian. Sexual orientation discrimination is a subset of sex discrimination. All anti-gay or lesbian bias is inherently a form of sex bias. The facts which support Plaintiff's claim of wrongful discharge/termination based on sexual orientation are as follows:

25. Defendants do not have a policy of non-discrimination/anti-harassment which is fully LGBT-inclusive as the Defendants' "Equal Employment Protection" / "Equal Employment Opportunity" policy in the employee handbook at pages 11-13, and online at [www.parxcasino.com/diversity] (Last Accessed December 7, 2018), does not specifically extend to "gender identity" or "gender expression."

26. Plaintiff recalls that frequently during lunch and on breaks, throughout Plaintiff's employment, Plaintiff would sit at a table isolated as nobody would join Plaintiff's table, or Plaintiff would sit isolated on the benches in the middle of the room while Plaintiff's co-employees would sit around Plaintiff or at the end. Plaintiff's co-employees would not interact or associate with Plaintiff and acted as if they did not wish to be associated with Plaintiff.

27. Plaintiff also recalls that frequently on outside breaks Plaintiff's co-employees would not interact or associate with Plaintiff and acted as if they did not wish to be associated with Plaintiff.

28. Plaintiff recalls, several times in or around January/February 2018, Greg Houston, a male co-employee, would look in the opposite direction of Plaintiff when on the casino floor, would not associate with Plaintiff, and acted as if he did not wish to be associated with Plaintiff.

29. In or around December 2017, shortly after Plaintiff started, Defendants' security guard, whose name Plaintiff does not know, misgendered Plaintiff with "sir" ("Thanks, sir").

30. Plaintiff recalls that Lydia Last Name Unknown ("LNU"), a Table Games Dealer and co-employee, said, "She's gay," speculating about another female co-employee (not Plaintiff), to another co-employee, Christine LNU, in or around early 2018.

31. In or around early 2018, and continuing through sometime in March 2018, Tyron LNU, Table Games Dealer, would repeatedly pick on Plaintiff, for example, by being aggressive, refusing to move out of the way for Plaintiff, and, in or around March 2018, Tyron jumped in Plaintiff's face aggressively.

32. In or around March 2018, a female co-employee said to Plaintiff, "Ooh, baby."

33. In or around Plaintiff recalls March 2018, Plaintiff recalls discussing with either Becky LNU and Susan Eckert, in Human Resources, that Plaintiff believed she was being harassed by certain of Plaintiff's co-employees. Plaintiff also spoke to Steve Smith, Smith Manager.

34. In or around Easter, in April 2018, Gerald LNU, a Cook in the Employee Dining Room, said, "Yes sir, I mean ma'am", or words to that effect, to Plaintiff, in a derogatory manner. Plaintiff believes it was intentional because Gerald knew the Plaintiff. Plaintiff ate lunch in the dining room and interacted with Gerald before this incident.

35. In or around May 2018, a male co-employee said, "Hey, sunshine," to Plaintiff.

36. In or around May 2018, during a pre-shift meeting, Plaintiff stood up, Plaintiff introduced herself as Michelle, and Plaintiff said, "You can call me Shell." Plaintiff used "Shell" on Plaintiff's nametag and with customers. Plaintiff said that she may have had run-ins with some employees, and if anybody had any questions they should feel free speak to Plaintiff, or

words to that effect. Julia Hall, the Pit Boss, said Plaintiff was not allowed to interrupt and to sit down. However, Plaintiff recalls a male employee was allowed to say what he wanted to say during a pre-shift a few months later.

37. In or around late June 2018, Lydia LNU, Table Games Dealer, said something to Plaintiff and Plaintiff ignored it. Lydia then said, “What, is this bitch deaf?” Lydia said to Plaintiff, “You’re not a man,” said that Plaintiff was “dirty,” and said that Plaintiff had a “bald head,” or words to that effect. Lydia said this in front of another female co-employee, Jade LNU.

38. On or about August 11, 2018, a third party who is male came into Parx and threatened or intimidated the Plaintiff by getting in Plaintiff’s face and making a fist. Plaintiff raised her concern with the pit boss.

39. On or about August 12, 2018, Steve Smith, suspended Plaintiff’s employment, and stated Plaintiff was under investigative suspension.

40. Plaintiff was notified of her termination by Defendants on or about August 13, 2018.

41. By comparison, Defendants did not terminate the employment of Lydia LNU who is heterosexual, verbally harassed Plaintiff based on Plaintiff’s sexual orientation approximately two (2) months before, and who commented about another female employee’s perceived sexual orientation prior to harassing Plaintiff on the same basis.

42. Defendants used a negative interaction with a customer as a pretext to terminate Plaintiff’s employment, and the real reason for Plaintiff’s termination was Plaintiff’s sexual orientation (lesbian), and/or others’ negative reactions to Plaintiff being openly lesbian.

43. Defendants acceded to or used employee and third-party/customer bias toward Plaintiff being openly lesbian as a reason to terminate Plaintiff's employment.

44. A motivating factor in Plaintiff's discharge was the fact that Plaintiff's co-employees, and/or a third-party/customer, reacted poorly to Plaintiff being openly lesbian.

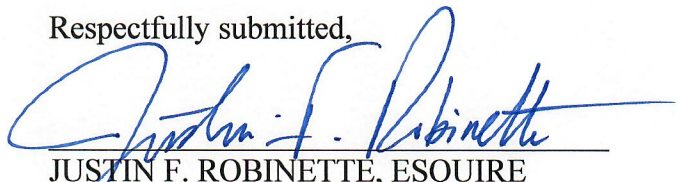
WHEREFORE, Plaintiff, Michelle "Doe", demands judgment in her favor and against Defendants in an amount in excess of \$150,000.00, and which will fully and fairly compensate Plaintiff for any and all back and front pay, overtime, benefits, bonuses, and commissions; compensatory damages for pain and suffering, mental anguish, anxiety, depression, humiliation, embarrassment, and emotional distress; punitive damages; pre- and post-judgment interest, reasonable attorneys' fees, costs of suit; equitable/injunctive relief requiring that Defendants adopt, post, and disseminate a policy of non-discrimination and anti-harassment that is fully LGBT-inclusive by extending to gender identity and gender expression; requiring training in non-discrimination and anti-harassment; and requiring Defendants to post notice of the verdict in this matter.

JURY DEMAND

Plaintiff hereby requests a trial by jury of eight (8) members on all counts so triable.

DATED: 12/7/18

Respectfully submitted,



JUSTIN F. ROBINETTE, ESQUIRE

Attorney I.D. No. 319829

325 Chestnut Street

Constitution Place

Suite 800

Philadelphia, PA 19106-2615

Tel: (610) 212-6649

Fax: (610) 646-0533

E-mail: jrobinette@discrimlawyer.com

Attorney for Plaintiff, Michelle "Doe"

EXHIBIT “A”

3-11 EEOC Form 161 (11/16)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: Michelle

REDACTED

From: Philadelphia District Office
 801 Market Street
 Suite 1300
 Philadelphia, PA 19107

☐

On behalf of person(s) aggrieved whose identity is
 CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

530-2018-05424

Legal Unit,
 Legal Technician

(215) 440-2828

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

☐

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.

☐

Your allegations did not involve a disability as defined by the Americans With Disabilities Act.

☐

The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.

☐

Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge

☒

The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.

☐

The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.

☐

Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed WITHIN 90 DAYS of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission



Jamie R. Williamson,
 District Director

9/11/2018

(Date Mailed)

Enclosures(s)

cc:

T Booner
 Human Resources

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: Michelle

REDACTED

From: Philadelphia District Office
801 Market Street
Suite 1300
Philadelphia, PA 19107

☐

On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

530-2019-00455

Legal Unit

(215) 440-2828

(See also the additional information enclosed with this form.)

NOTICE TO THE PERSON AGGRIEVED:

Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), or the Genetic Information Nondiscrimination Act (GINA): This is your Notice of Right to Sue, issued under Title VII, the ADA or GINA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII, the ADA or GINA **must be filed in a federal or state court WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

☐

More than 180 days have passed since the filing of this charge.

☒

Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of this charge.

☒

The EEOC is terminating its processing of this charge.

☐

The EEOC will continue to process this charge.

Age Discrimination in Employment Act (ADEA): You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, **the paragraph marked below applies to your case:**

☐

The EEOC is closing your case. Therefore, your lawsuit under the ADEA **must be filed in federal or state court WITHIN 90 DAYS of your receipt of this Notice**. Otherwise, your right to sue based on the above-numbered charge will be lost.

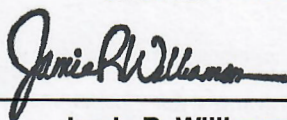
☐

The EEOC is continuing its handling of your ADEA case. However, if 60 days have passed since the filing of the charge, you may file suit in federal or state court under the ADEA at this time.

Equal Pay Act (EPA): You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission



Jamie R. Williamson,
District Director

November 7, 2018

(Date Mailed)

Enclosures(s)

CC: Robert B. Mulhern Jr., Esq.
PARX CASINO
2999 Street Road
Bensalem, PA 19020

Justin F. Robinette, Esq.
325 Chestnut Street, Suite 800
Philadelphia, PA 19106